

Department of Permitting & Inspections

Zoning Division
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TO: Design Advisory Board
FROM: Ryan Morrison, Associate Planner
DATE: January 11, 2022
RE: ZP-21-800; 501 Pine Street

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Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

Zone: ELM Ward: 5S

Owner/Applicant: Vermont Gas Systems, Inc. / Kurt Schueler

Request: Develop a container kitchen/food truck café on the vacant property.

Background Information:

- **Zoning permit ZP-21-446;** Develop a seasonal outdoor patio and picnic area that will support up to 4 food trucks, container kitchens and/or food carts (café use).

The applicant is requesting approval to develop a container kitchen café on the vacant property. The containers proposed for use are steel shipping containers (20 & 40 ft long). A covered seating area will locate centrally on the property, and a pick-up/drop-off driveway is also proposed at the front.

The property is located within the identified Pine Street Canal Superfund Site, and is also classified as a brownfield site. The applicant has been working with the interested parties to ensure compliance with EPA and State requirements.

A similar project was approved for a food trucks/carts, with no permanent structures, in July 2021. This new project will replace the previously approved development.

Article 6: Development Review Standards

Part 1: Land Division Design Standards

Not applicable.

Part 2: Site Plan Design Standards

(a) Protection of Important Natural Features:

There are no natural features. The site is currently undeveloped and will be cleared to make way for the proposed development. Some tree removal is expected.

(b) Topographical Alterations:

The applicant expects there to be 2-4 feet of site grading/excavation to make way for the development. The end result of the project, however, will see insignificant topographic alterations.

(c) Protection of Important Public Views:

There are no protected public views from the parcel.

(d) Protection of Important Cultural Resources:

There are no cultural resources on the subject property.

(e) Supporting the Use of Renewable Energy Resources:

Clearing the lot will allow for natural sunlight. The applicant notes that solar panels may be installed. No other renewable resources are proposed.

(f) Brownfield Sites:

The property is an identified brownfield site and is also located within the Pine Street Canal Superfund Site. The applicant has stated that he has been working with VT DEC to meet compliance with their requirements in order to develop the property. No information has been submitted regarding this, but ensuring compliance with DEC and EPA requirements will be a condition of this permit.

(g) Provide for nature's events:

An approved Erosion Prevention and Sediment Control plan, as well as a stormwater plan, will be required prior to the release of the zoning permit. A covered seating area will provide shelter for diners. There appears to be no shelter for the ordering areas of the two flanking trailers. The applicant should consider some sort of awning/canopy to address this. There appears to be little to no room for onsite snow storage. However, as was indicated in the applicant's first permit application, the café was only going to operate between May and November, meaning snow storage should not be an issue.

(h) Building Location and Orientation:

The container structures will locate along the periphery of the lot, with a two-story covered seating area. Also a second story container kitchen is also proposed at the property's rear.

(i) Vehicular Access:

The development proposes direct access off Pine Street with two curb cuts to allow for an easy, one-way circulation pattern. The applicant should consider installing one-way traffic signage and pavement markings.

(j) Pedestrian Access:

Pedestrians will have direct access from the Pine Street sidewalk. Internal walkways and stairs will be provided for access to the café use.

(k) Accessibility for the Handicapped:

The building inspector has jurisdiction over ADA requirements, and the proposal must comply with the Burlington Code of Ordinances.

(l) Parking and Circulation:

The development will have a one-way driveway (with two curb cuts on Pine Street). The width appears to be adequate to allow for up to three parallel parking spaces with room to allow other vehicles to pass.

(m) Landscaping and Fences:

The proposal does not include any landscaping, and it should. Given the amount of hard surface proposed, there could be some planter boxes strategically placed around the development to enhance site aesthetics. Fencing/gates are shown on the plans that will block pedestrian access to the rear areas (behind the container structures). A retaining wall will be installed along the rear and south side property lines, as well as along a small portion of the north side property line.

(n) Public Plazas and Open Space:

Not applicable.

(o) Outdoor Lighting:

The applicant has submitted lighting spec sheets, and the plans show where some of the fixtures will be placed. Pendant lighting is shown above the seating area, which appear to be compliant with the lighting standards of Sec. 5.5.2 CDO. Also included in the submittal packet are spec sheets for bollard, wall mounted, and spot/floodlight fixtures. The plans do not show where these will be located and must.

(p) Integrate infrastructure into the design:

Electric and water utilities will be provided underground. No other utilities are proposed. Trash/recycling bins are shown in three different areas.

Part 3: Architectural Design Standards

Sec. 6.3.2 Review Standards

(a) Relate development to its environment:

1. Massing, Height and Scale:

The massing, height, and scale of the proposed development is less than that of nearby development. The use of shipping containers for the café is unique, but fitting for the ELM zoning district.

2. Roofs and Rooflines.

The container structures will have flat roofs, and the covered seating area will have a glazed roof. Additionally, the southernmost container will see a container stacked vertically on top, which will highlight the property's address.

3. Building Openings

The only openings on the containers appear to be for employee access, and customer ordering windows.

(b) Protection of Important Architectural Resources:

Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Where the proposed development involves buildings listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8. The introduction of new buildings to a historic district listed on a state or national register of historic places shall make every effort to be compatible with nearby historic buildings.

Not applicable.

(c) Protection of Important Public Views:

Not applicable.

(d) Provide an active and inviting street edge:

In arrangement, design and appearance, the design provides an active and inviting street edge. The site layout is clearly discernable from the street front.

(e) Quality of materials:

All development shall maximize the use of highly durable building materials that extend the life cycle of the building, and reduce maintenance, waste, and environmental impacts. Such materials are particularly important in certain highly trafficked locations such as along major streets, sidewalks, loading areas, and driveways. Efforts to incorporate the use of recycled content materials and building materials and products that are extracted and/or manufactured within the region are highly encouraged.

The shipping containers are made of steel, so they will be durable throughout all seasons. The glazed roofing and steel beam support structure (covered seating area) will also be durable for all seasons.

(f) Reduce energy utilization:

All new construction is required to meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances. The proposal is for an outdoor café, where heating shouldn't be much of a concern. However, it is assumed that there may be the use of portable propane heaters for chillier days. The applicant notes that solar panels may be installed on the seating area's roof. While not a requirement, use of solar energy is always encouraged.

(g) Make advertising features complementary to the site:

The plans show multiple signs. Each different food service within the café appears to have their own sign, and there are three large '501 Pine' signs shown on the vertical container. While the '501 Pine' signs appear to be address signs, they exceed the size limit for exempt address signs and will be treated as wall signs. The applicant will need to provide details for each sign proposed (dimensions, materials, illumination, etc.) prior to the January 18, 2022 Development Review Board meeting.

(h) Integrate infrastructure into the building design:

Underground electric/water utilities (and assuming gas) will be used. No other infrastructure is noted. It is assumed that the kitchen use will require exterior venting. If so, the plans shall be updated to show the location of such vents. Venting will need to be screened as much as possible from view from the public street and neighboring properties.

(i) Make spaces secure and safe:

The proposed development must comply with all building and life safety code as defined by the building inspector and fire marshal.

RECOMMENDED MOTION:

Approve per the following conditions and forward to the Development Review Board.

1. Update the plans to show the specific locations of all light fixtures.
2. Update the plans to include all exterior venting.
3. Submit documentation/plans for any remedial actions as they pertain to the brownfield site and the Pine Street Canal Superfund Site.
4. The applicant should consider installing one-way traffic signage and pavement markings.
5. Information (dimensions, materials, illumination, etc.) for each sign shall be submitted for compliance review.